

**CITY OF DULUTH**

Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

**STAFF REPORT**

<b>File Number</b>	PL 15-025	<b>Contact</b>	Jenn Reed Moses, jmoses@duluthmn.gov	
<b>Application Type</b>	Variance	<b>Planning Commission Date</b>	March 10, 2015	
<b>Deadline for Action</b>	<b>Application Date</b>	February 9, 2015	<b>60 Days</b>	April 10, 2015
	<b>Date Extension Letter Mailed</b>	February 18, 2015	<b>120 Days</b>	June 9, 2015
<b>Location of Subject</b>	1001 Minnesota Avenue			
<b>Applicant</b>	Island Inn & Suites LLC	<b>Contact</b>		
<b>Agent</b>	Troy Hoekstra	<b>Contact</b>	320-493-6272, hoekstratroy@gmail.com	
<b>Legal Description</b>	PIDs 010-4390-02200, 010-4400-00890			
<b>Site Visit Date</b>	March 4, 2015	<b>Sign Notice Date</b>	February 11, 2015	
<b>Neighbor Letter Date</b>	February 24, 2015	<b>Number of Letters Sent</b>	25	

**Proposal**

Applicant is requesting a height variance that would allow for a hotel with a maximum height of 120' instead of the required maximum of 35'.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
<b>Subject</b>	MU-W	Marina	Commercial Waterfront
<b>North</b>	I-W	Army Corps of Engineers	Institutional
<b>South</b>	MU-W	Marina & hotel	Commercial Waterfront
<b>East</b>	R-1	Residential & marina use	Traditional Neighborhood
<b>West</b>	N/A	N/A	N/A

**Summary of Code Requirements (reference section with a brief description):**

50-15.6 - MU-W District - Maximum height within 500 ft. of the R-1 district is 35 ft.

50-37.9.C. - General Variance Criteria (paraphrased here): Granting of variances of any kind is limited to situations where, due to characteristics of the applicant's property, enforcement of the ordinance would cause the landowner practical difficulty. The Planning Commission must find the following for a variance to be granted: a) That they are proposing to use the property in a reasonable manner, b) that the need for relief from the normal regulations is due to circumstances unique to the property and not caused by the landowner, c) that granting the variance will not alter the essential character of the area, d) that granting the variance is consistent with the intent of the UDC and the Comprehensive Plan.

III. L-1

**Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):**

Future Land Use - Commercial Waterfront: Waterfront-dependent commercial uses, sometimes mixed with residential or adjacent to higher density residential. Includes tourist- or recreation-oriented uses. Commercial areas can be adjacent to industrial waterfront. Abuts other commercial uses and recreation areas, preservation areas. Access to regional arterial traffic and water access.

**Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):**

Staff finds that:

- 1.) Currently the property is used as a marina. Marinas and hotels are permitted uses in the MU-W zone district. With the existing marina, applicant has a reasonable use of the property. A hotel could be built on the property within the existing height limit of 35', as demonstrated by the neighboring hotel at 1003 Minnesota Avenue. Moreover, the MU-W zone district allows many additional uses that could be accommodated on this property. Thus, the height variance is not necessary for the preservation and enjoyment of a substantial property right.
- 2.) Applicant states that the variance request is to accommodate a previous development proposal; however, approvals for that proposal have expired and this project is not eligible for any grandfathering considerations.
- 3.) Other commercial and residential buildings in the area meet the maximum height of 35'. Granting a variance to allow an additional 85' of height would alter the essential character of the area (for comparison, the Lift Bridge at either end is 220'; the concrete silos at Pier B are approximately 100').
- 4.) The need for relief is not due to circumstances unique to this property; applicant acknowledges there are no issues due to exceptional narrowness, shallowness, shape, or other conditions.
- 5.) For the reasons stated above, this property does not meet the definition of practical difficulty.
- 6.) Four emails have been received expressing opposition to the variance. No other public, agency, or City comments have been received.
- 7.) Note that per the Park Point Small Area Plan, development of this size on Park Point can be accommodated with the City's water and sewer infrastructure, and would not cause undue traffic burden.
- 8.) Per UDC Section 50-37.1.N, approved variances lapse if the project or activity authorized by the permit or variance is not begun within 1 year.

**Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):**

Based on the above findings, Staff recommends that Planning Commission deny the variance, for the following reasons:

- 1.) Request for variance is not due to exceptional narrowness, shallowness, or shape of the applicant's properties.
- 2.) The relief is not necessary for the preservation and enjoyment of a substantial property right.
- 3.) The variance would alter the essential character of the area.
- 4.) Applicant has not demonstrated practical difficulty.

2

**Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)**









# City Planning

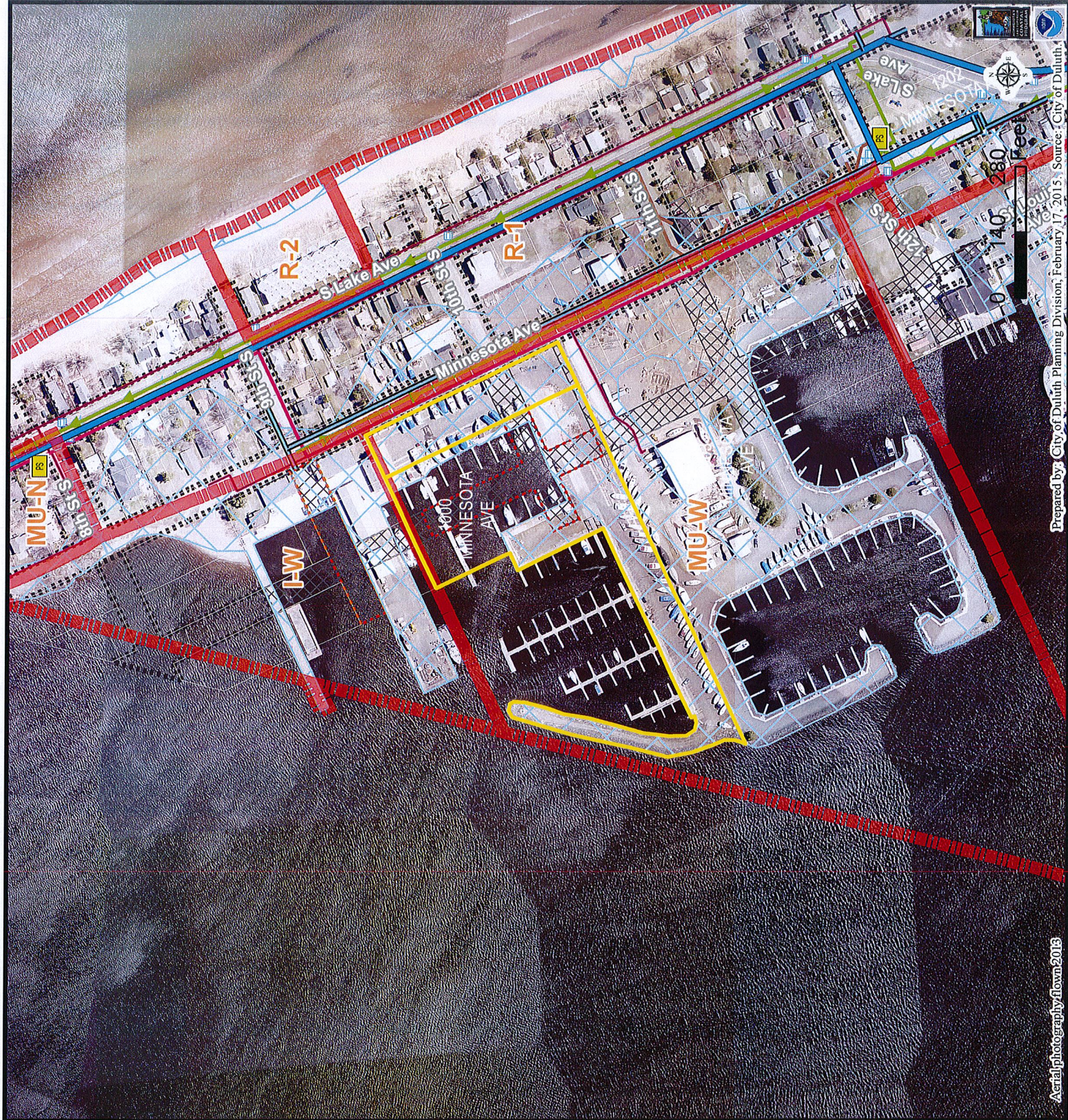
PL 15-025

1000 Minnesota Ave

## Legend

- Trout Stream (GPS)
- Other Stream (GPS)
- Zoning Boundaries**
- Zoning Boundaries
- Water Distribution System
- 30" - 60" Water Pipe
- 16" - 24" Water Pipe
- 4" - 6" Water Pipe
- Sanitary Sewer Collection System**
- Sanitary Sewer Collector
- Sanitary Sewer Interceptor
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Gas Distribution Main
- 8" - 16" Gas Pipes
- 4" - 6" Gas Pipes
- 0" - 4" Gas Pipes
- Storm Sewer Collection System**
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Right-of-Way Type**
- Road or Alley ROW
- Vacated ROW
- Easement Type**
- Utility Easement
- Other Easement
- Floodplain Type**
- General Flood Plain
- Flood Way
- Flood Fringe

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.







City of Duluth  
Planning and Construction Services

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## Variance Application Supplemental Form

In order to submit a complete variance application, please explain how your request meets all of the below variance criteria. This is information that is required by the zoning code and that is necessary for Planning Commission review.

**List the UDC Section you are seeking relief from** (example: "50-14.5 – front yard setback in an R-1"):

50-15.6, MU-W, structure height

**Is the applicant proposing to use the property in a reasonable manner?** Yes ☒ No ☐

Please explain the applicant's use of the property, and how the relief requested is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant: Currently the property is operating as a marina. In past application(s) this property was approved for the

development and construction of a 112 unit hotel, 9 stories, an not to exceed 120 feet. It is our feeling that we had the right

to develop this property as described and that right was taken away from us without consideration.

**Is the need for relief due to circumstances unique to this property?** Yes ☐ No ☒

Please explain how these circumstances are due to exceptional narrowness, shallowness or shape of the applicant's property, or because of exceptional topographic or other conditions related to the property:

There are no issues with respect to the property because of the items listed.

**Will granting this variance alter the essential character of the area?** Yes ☐ No ☒

Explain how this property fits the character of the neighboring area, and how the special circumstances or conditions applying to the building or land in question are peculiar to such property or immediately adjoining property, and do not apply generally to other land or buildings in the vicinity:

Currently new hotels have been built on the neighboring property which is the same use we anticipated. Unlike our property

no other commercial property owners had rights to develop and build projects that were approved removed from their

property rights.

5



**Is this request consistent with the intent of the UDC and Comprehensive Plan?** Yes ☐ No ☒

Explain how the UDC and Comprehensive Plan support this request: This property is described

as mixed use waterfront. As evidence of the supportive nature of the UDC, neighboring property has been developed  
into hotel/hospitality.

**Explain how the special circumstances or conditions that create the need for relief were NOT directly or indirectly created by the action or inaction of the property owner or applicant:**

It was the action of the City which created the need for the application. Our original project was approved and faced  
no additional variances or requests. Due to changes in set backs the City made our property and project are unable to be developed.

**Will the variance impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or the danger of fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding areas or in any other respect impair the health, safety or public welfare of the inhabitants of the city?** Yes ☐ No ☒

Please explain: Our project will not create any undue traffic or congestion that doesn't already exist. In a traffic study provided  
Wenck and Assoc. can confirm the increased traffic at only 1/2 car per minute. Additionally, property value and taxation issues  
were deemed not at risk as done by a report submitted. The area is operating as commercial and as hospitality currently.

**Does the relief allow any type of sign that is not allowed in the zone district where the property is located?** Yes ☐ No ☒

**Does your variance request need to meet any of the specific criteria in UDC Section 50-37.9, subsections D through M?** Yes ☐ No ☒

Discuss what subsections are applicable and how this request meets those: No subsections.

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6





**1.1 NORTH ELEVATION**  
1/8" = 1'-0"

**FACADE REQUIREMENTS**

TRANSPARENCY CALCULATIONS PER UDC 60-22.5D.1  
CALCULATED FACADE AREA PER UDC FIGURE 60-22.5-C = 15,385 SF  
FACADE TRANSPARENCY AS DEFINED BY UDC = 10,045 SF  
TOTAL FACADE TRANSPARENCY AS A PERCENTAGE = 70.5%

**COMMERCIAL DESIGN STANDARDS PER UDC 60-30.2**

FACADE ARTICULATION  
WALL PLANE ARTICULATION  
WALL MATERIAL  
ROOF ARTICULATION  
FOUNDATION LANDSCAPING  
ENTRY DESIGN

COMPLIES  
COMPLIES  
COMPLIES  
COMPLIES  
COMPLIES  
COMPLIES







## Jennifer Moses

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**From:** Shirley Reiersen <sreierso@d.umn.edu>  
**Sent:** Wednesday, February 25, 2015 4:00 PM  
**To:** Keith Hamre; Charles Froseth; John Judd; John Kelley; Steven Robertson; Kyle Deming; Jennifer Moses  
**Subject:** Fwd: 9-story hotel on Park Point

Dear Duluth Planning Commission,

Please help protect Park Point.

According to [cdinduluth.com](http://cdinduluth.com), their

"...development hearts were quivering with excitement with the thought of arguably the first high rise coming to Park Point" (in 2013). The post further goes on predict that Duluth is poised to become the "Miami of the North."

The posting continued, "The developers will go before the city planning commission on March 10th seeking out a height variance for the project at 1001 Minnesota Avenue."

Honestly, the thought of a 9-story high rise featuring large glass windows makes me ill. This hotel would be taller than our iconic Lift Bridge, taller than Dewit-Seitz. As visitors and residents drive down Thompson Hill, the stunning panorama of our harbor would be marred by this blight. During bird migration, thousands of birds would die as they crash into glass windows reflecting the sky. The author of the post must not have ever been to Miami, a city that has desecrated the natural beauty of southern Florida, blocking nearly every view of the ocean, so that only the wealthy and privileged can appreciate the ocean.

I beg of you to deny the height variance. There are many other places to build this hotel--a nine-story hotel would fit beautifully into the downtown area and bring those tourists to shop in the existing stores and encourage new ones. Duluth has acres of former industrial sites begging to be developed.

I live on Park Point--not by the proposed site but further down. Most of us who live down here know this is a fragile ecosystem, a sanctuary for waterfowl and aquatic animals, a sanctuary for birds. Of course I want to protect the neighborhood in which I live. But more importantly, whatever decisions made today have a long-term effect on what our beloved city and shoreline will look like in the future. Of course Duluth wants to expand and become economically stable. But we also need to take care of our beautiful city and lake for our children, and our grandchildren, and our great-grandchildren. We shouldn't emulate Miami, but rather learn from the ecological disaster created by over-development on fragile ground.

Shirley Reiersen, MSW, LICSW  
Duluth, Minnesota



## Jennifer Moses

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**From:** Keith Hamre  
**Sent:** Monday, March 02, 2015 7:54 AM  
**To:** Jennifer Moses; Steven Robertson  
**Subject:** FW: Duluth Planning Commission meeting agenda for 3/10/15

fyi

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**From:** John Pegg [<mailto:jpeggduluth@yahoo.com>]  
**Sent:** Saturday, February 28, 2015 5:31 PM  
**To:** Keith Hamre  
**Cc:** Sharla Gardner; Emily Larson; Dawn Buck  
**Subject:** Duluth Planning Commission meeting agenda for 3/10/15

Re: Agenda Item PL 15-025 Variance from Mu-W Height Limit at 1001 Minnesota Avenue (under previous name) Island Inn and Suites (now called Park Pointe Inn)

We are writing about the renewed request for a zoning variance to build a nine-story, 90 room hotel project on Park Point. As residents of Park Point and stewards of this unique and historic piece of land, we feel that the proposed design is totally inconsistent with other property development (whether commercial or residential) that has occurred in this neighborhood. We also believe that such a large increase in occupancy will place undue burden on existing and outdated infrastructure. Already residents are experiencing the strain on our utilities, with storm sewers that cannot adequately handle overflow drainage and water pressure further out on the Point being inadequate for some and potentially problematic for fire safety. Finally, there is the issue of traffic flow, which during the summer months, with the limits of only one two-lane entrance and exit over the Aerial Lift Bridge, is causing frequent traffic backups to Superior St. and to the Stop sign at 19<sup>th</sup> St.

Clearly planned development has its place for the future growth of the City of Duluth, however, we do not feel that this proposed project will serve the best interests of those who come to Park Point as visitors or those who live here as tax-paying citizens. In fact, over-development and congestion may ultimately serve as a deterrent for those wanting to come and enjoy Park Point, either as visitors or residents.

John and Lyn Clark Pegg  
1335 Minnesota Ave.  
Duluth, MN 55802  
218-349-1786



## Jennifer Moses

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**From:** Keith Hamre  
**Sent:** Tuesday, March 03, 2015 8:18 AM  
**To:** Jennifer Moses; Steven Robertson  
**Cc:** Charles Froseth  
**Subject:** FW: Variance Decision for 9 story Park Point motel: What changes will be sustainable in the long term?

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**From:** Jan Karon [<mailto:jskaron@chartermi.net>]  
**Sent:** Monday, March 02, 2015 5:17 PM  
**To:** Keith Hamre; Charles Froseth; Steven Robertson  
**Subject:** Variance Decision for 9 story Park Point motel: What changes will be sustainable in the long term?

Planning Commissioners,

I have a photo of my hike out to the Sea Caves 8 years ago, and a hike out last year. I couldn't take the same photo in the same place with my friend framed by the ice without dozens of others in the photo last year. I think it's important to think about *all* the ramifications of change before easily or comfortably granting a variance for a 9 story motel on Park Point, despite it having been granted in the past.

Yes, I'm a resident of The Point; however, note that I'll be long dead and gone before any of the major changes occur if this variance is granted.

My concern is with peoples' abilities to experience the unique natural qualities of this place in the long term.

I think it is clearly disputable that this is the "logical place" for "development" in Duluth, if there is an intention to retain this peninsula in any way similar to its attractiveness today. Today canoes and kayaks, surfboards and paddle boards, walkers, swimmer, joggers and cyclists enjoy connecting with Nature here. The key word here is, "Nature".

If this variance is granted, what excuses would there be for not granting similar ones to others? Disney World has its' own kind of atmosphere with hordes of people enjoying (hopefully) the experience. The Sea Caves experience has certainly been changed from one connecting with Nature to this "hordes of people" experience. I hope that you will vote against this variance to protect the incredible opportunity for people to experience Nature, rather than hordes on Park Point. As well, or course, to protect the residential quality of this place.

How much growth on Park Point is sustainable? Do we even have an answer for this question? Needs for water, sewer and traffic are allegedly currently being met on The Point. Would several additional mega-hotels (in Duluth terms) change this scenario? Would the city's increased tax base be worth jeopardizing the recreational and liveable qualities of this piece of the planet, the opportunity for people to connect with Nature, when there are clearly many other waterfront areas available for development?

Your decision on this variance is going to have ramifications on this community for a very long time to come. I hope that you will give deep thought to this decision so that you can be assured that a sustainable decision in the best interests of this community is made. I hope that you will vote against this variance. Consider, for



example, whether or not a 5 or 6 story motel could meet the economic needs of the owner of this land. Or if there are other "hardships", what other solutions besides a 9 story motel could there be?

Thank you for considering,

Jan Karon

1112 S. Lake Ave.

55802

722-7200



## Jennifer Moses

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**From:** Kathy Heide <kathyheide@aol.com>  
**Sent:** Monday, March 02, 2015 11:28 AM  
**To:** Jennifer Moses  
**Subject:** Fwd: Hotel

He is in Florida now, I am forwarding this to you.

Kathy Heide-Wrazidlo, CMF CCF  
Heide's  
701 1/2 N.6th Ave.E  
Duluth,MN 55805  
218-722-7860  
800-777-4596  
218-722-7872 (Fax)  
[kathyheide@aol.com](mailto:kathyheide@aol.com)

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-----Original Message-----

**From:** Heide163 <[heide163@aol.com](mailto:heide163@aol.com)>  
**To:** kathyheide <[kathyheide@aol.com](mailto:kathyheide@aol.com)>  
**Sent:** Mon, Mar 2, 2015 10:26 am  
**Subject:** Hotel

Concerning a Hotel at Lakehead Boat Basin,

I 'am not against Joel Johnson building a Hotel on his property, but I 'am NOT in favor of HIGH RISE of Anything, on Parkpoint.

Marvin R. Heide  
729 Minnesota Ave.  
Duluth, MN  
[heide163@aol.com](mailto:heide163@aol.com)